

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

TONISHA BIVENS, )  
Plaintiff, ) Case No.  
v. )  
STERLING INFOSYSTEMS, INC., )  
Defendant. )

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant, Sterling Infosystems, Inc., (“Sterling” or “Defendant”), by and through its attorneys, Lathrop Gage LLP and Seyfarth Shaw LLP, files this Notice of Removal with respect to Case No. 17AC-CC00628, filed in the Circuit Court of Cole County, Missouri. In support of this Notice, Sterling states as follows:

1. On December 21, 2017, Plaintiff Tonisha Bivens filed a purported class action Complaint in the Circuit Court of Cole County, Missouri, entitled *Tonisha Bivens v. Sterling Infosystems, Inc.*, Case No. 17AC-CC00628. True and accurate copies of all process, pleadings, and orders are attached hereto as Exhibit A.

2. On December 21, 2017, Sterling was served with a summons and a copy of the Complaint. *See* Ex. A.

3. In accordance with 28 U.S.C. § 1446(b), Sterling filed this Notice of Removal within thirty (30) days of receipt of Plaintiff's Complaint.

4. Venue is proper in this district under 28 U.S.C. § 1441(a) because this District and division embrace the place where the action was filed.

5. Written notice of the filing of this Notice of Removal is being delivered to Plaintiff through her counsel of record. A copy of the Notice of Removal will be filed with the Clerk of the Circuit Court of Cole County, Missouri.

6. Under 28 U.S.C. § 1331, “the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States.”

7. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over the instant action because Plaintiff asserts a claim under federal law. In her Complaint, Plaintiff claims that Defendant violated the federal Fair Credit Reporting Act, 15 U.S.C. § 1681e(b). *See Compl. ¶¶ 3, 42-44, 54-57, 46-56.*

8. Because Plaintiff asserts a claim under the laws of the United States, this Court has original federal question jurisdiction over Plaintiff’s action. Accordingly, removal of Plaintiff’s Complaint is proper pursuant to 28 U.S.C. § 1331.

9. By filing this Notice of Removal, Sterling does not concede nor waive any defense to this action. Sterling reserves all defenses relating to the Court’s jurisdiction and the justiciability of this action.

WHEREFORE, Sterling respectfully removes this action from the Circuit Court of Cole County, Missouri, to the United States District Court for the Western District of Missouri.

Dated: January 18, 2018

LATHROP GAGE LLP

*/s/ Rosalee M. McNamara*

Rosalee M. McNamara #33645  
Rebecca Yocum #31149  
LATHROP GAGE LLP  
2345 Grand Blvd.  
Suite 2200  
Kansas City, Missouri 64108-2610  
Telephone: 816 292.2000  
Telecopier: 816.292.2001  
[rmcnamara@lathropgpage.com](mailto:rmcnamara@lathropgpage.com)  
[ryocum@lathropgpage.com](mailto:ryocum@lathropgpage.com)

Pamela Q. Devata\*  
John W. Drury\*  
Seyfarth Shaw LLP  
233 South Wacker Drive  
Suite 8000  
Chicago, Illinois 60606  
(312) 460-5000

*\*Request for pro hac vice admission to be submitted*

Attorneys for Defendant  
Sterling Infosystems, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on January 18, 2018, a copy of the above pleading was served via the Court's electronic system and by first class United States mail, postage prepaid, on the following counsel of record:

Charles Jason Brown, Esq.  
Jayson A. Watkins, Esq.  
Brown & Watkins LLC  
301 S. US 169 Hwy  
Gower, Missouri 64454  
Tel: 816-505-4529  
Fax: 816-424-1337  
[brown@brownandwatkins.com](mailto:brown@brownandwatkins.com)  
[watkins@brownandwatkins.com](mailto:watkins@brownandwatkins.com)

ATTORNEYS FOR PLAINTIFF

/s/ Rosalee M. McNamara  
An attorney for Defendant